

Minutes of the Maine Real Estate Commission

October 19, 2006

MEMBERS PRESENT

Winfred Stevens, Chairman
Earl Black
David Kitchen
Susan Lewis Hodgkins
Jeffrey Mitchell

STAFF PRESENT

Carol Leighton, Director
Karen Bivins, Deputy Director
Robert Perkins, Assistant Attorney General
Judy Phillips, Examiner
Susan Greenlaw, Secretary

MEMBERS ABSENT

Sharon Millett

Location: Central Conference Room

Start: 9:00 a.m.

Adjourn: 2:35 p.m.

Agenda Modifications

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to add the following to the agenda. Unanimous.

- I. Proposed Dismissals
 - A. #2005-REC-42
 - B. #2005-REC-56
 - C. #2006-REC-2570

Commission Minutes

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to approve the minutes of the September 21, 2006 meeting as written. Unanimous.

Adjudicatory Hearings

The hearing in the matter of Director v. Irene L. Belanger was continued.

The Chair opened the hearing in the matter of Director v. William G. MacFarlane. The Director was present and represented by Assistant Attorney General Robert Perkins. MacFarlane was present and not represented by counsel. Closing arguments will be submitted in writing and public deliberations will occur at the next meeting.

The Chair opened the hearing in the matter of Director v. Gregory B. Roy. The Director was present and represented by Assistant Attorney General Robert Perkins. Roy was present and not represented by counsel. Public deliberations were conducted at the close of the hearing.

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to find Roy in violation of 32 M.R.S.A. §13067(1)(F) and Chapter 330 Section 1(A). Unanimous.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to find Roy in violation of 32 M.R.S.A. §13067(1)(H). Unanimous.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to find Roy in violation of 32 M.R.S.A. §13067(1)(F) and Chapter 330 Section 14. Hodgkins, Kitchen, and Mitchell voted in the affirmative; Black and Stevens opposed. Motion carried.

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to find Roy in violation of 32 M.R.S.A. §13067(1)(A). Unanimous.

A motion was made by David Kitchen to order Roy to establish an agreement with his designated broker for closer supervision of activities for 12 months and payment of a \$1000 fine within 30 days. Motion failed for lack of a second.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to order Roy to pay a \$500 fine within 30 days and complete the current associate broker course including the field experience within the next 12 months. Black, Kitchen, Mitchell, and Stevens voted in the affirmative; Hodgkins opposed. Motion carried.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to uphold the appeal and grant Roy an associate broker license. Black, Kitchen, and Stevens voted in the affirmative; Hodgkins and Mitchell opposed. Motion carried.

The Chair opened the hearing in the matter of Director v. Ronald A. Tremblay. The Director was present and represented by Assistant Attorney General Robert Perkins. Tremblay was not present nor represented by counsel. Public deliberations were conducted at the close of the hearing. A motion was made by Jeffrey Mitchell and seconded by Earl Black to find Tremblay in violation of 32 M.R.S.A. §13067(1)(M). Unanimous. A motion was made by Jeffrey Mitchell and seconded by Earl Black to order the immediate revocation of his inactive associate broker license. Unanimous.

Commission Decisions

A motion was made by David Kitchen and seconded by Earl Black to approve the Decision in the matter of Eric R. Stoddard v. Director. Unanimous.

A motion was made by David Kitchen and seconded by Earl Black to approve the Decision in the matter of Susan F. Thurlow v. Director. Unanimous.

Proposed Consent Agreements

A motion was made by Earl Black and seconded by Susan Hodgkins to accept the Proposed Consent Agreements in case numbers 2006-REC-2975, 2006-REC-2985, 2006-REC-2994. Unanimous.

#2004-REC-116: Winfred Stevens recused and left the room. A motion was made by Earl Black and seconded by Jeffrey Mitchell to accept the Proposed Consent Agreement. Black, Hodgkins, Kitchen, and Mitchell voted in the affirmative; none opposed. Motion carried.

Dismissed Complaints

A motion was made by Earl Black and seconded by David Kitchen to accept the Proposed Dismissals in case numbers 2005-REC-56, 2005-REC-2018, 2006-REC-2570. Unanimous.

#2005-REC-42: Winfred Stevens recused and left the room. A motion was made by Jeffrey Mitchell and seconded by Earl Black to accept the Proposed Dismissal. Black, Hodgkins, Kitchen, and Mitchell voted in the affirmative; none opposed. Motion carried.

Request for Consideration of Fine Payment

Teresa Moody aka Teresa A. Turcotte: A motion was made by Jeffrey Mitchell and seconded by Earl Black to allow payment of \$100 of the total fine by 1/1/07, the Commission will not consider any further extension requests, and the remainder of the fine amount is due by 7/1/08. Unanimous.

Director's Report

Associate Broker Course Documented Experience Form – DRAFT Revision to Cover Sheet: Upon recommendation by the Commission at the September meeting, the Director revised the Associate Broker Documented Field Experience Form clarifying who may offer the training required as part of the associate broker course. Following discussion the statement on the form was modified to read “A mentor is selected by the designated broker and may be another licensee within the real estate company, company manager or other person within the company with expertise in the task to be completed or a trainer engaged by the designated broker to offer in-house training exclusively to assist the sales agent in completing the required tasks.” The Commission agreed to follow this course for the time being.

Distance Education Course Policy: The Commission agreed to endorse ARELLO's distance education certification program.

FAQ – Chapter 410(1) Advertising: “Regarding websites – what is the requirement for the company name and contact information – only on the homepage or must it appear on each separate page if it is possible to reach a separate page without going through the homepage?”

The Commission's response to the question was company information must appear on each separate page if it is possible to reach a separate page without going through the homepage.

Next Meeting Scheduled for November 16, 2006

The meeting was adjourned at 2:35 p.m.

This report respectfully submitted,

Winfred A. Stevens
Chairman

Carol J. Leighton
Director